

### REMARKS

The Applicant appreciates the thorough review of the application by the Examiner and the interview courteously granted by Examiner Gibson to James C. Wray and Cliff Hyra on June 1, 2006. Reconsideration and allowance are requested.

No new matter has been added by the amendments. No new issues are raised by the amendments.

The claim objections made by the Examiner based on informalities and dependence on rejected claims have been satisfied by the amendments to Claims 2-4, 8, and 9.

Claim 9 has been amended to correct its antecedent basis as well as to make it an independent claim.

Claim 1 has been amended in accordance with the agreement reached during the interview to overcome the rejections based on the Warnke, Pearlman, and Tanita Corp. references.

**Claims 1, 5, and 6 are patentable under 35 U.S.C. 102(b) over Warnke (DE 4,446,345 A1).**

Claims 1, 5, and 6 are patentable over Warnke. Warnke describes an apparatus that constantly changes frequency in order to register liquid flow through an electrical field. The rate of change in correlation with the frequency change is thereafter taken as an indicator for the flow rate.

The present invention, on the other hand, uses only one constant frequency, measures the change in capacity between electric conducting plates and converts the capacity change into a numerical number which is correlated with the weight and/or the water mass of the individual.

Claims 6 adds to independent claim 1 the additional patentable feature of at least one signal amplifier, voltage rectifier, filter, converter, MCU-unit with a data store or display for displaying the numerical number.

Warnke does not disclose an MCU Unit or data store. Elements 5 and 6 are a frequency-voltage converter and a display unit, respectively. A frequency-voltage converter is an electrical circuit and not a microprocessor or MCU Unit, nor does it involve a data store.

Therefore, Claims 1, 5, and 6 are patentable over Warnke.

**Claims 1, 2, 4, 6, 7, and 10 are patentable under 35 U.S.C. 102(b) over Pearlman (U.S. Patent No. 5,810,742).**

Claims 1, 2, 4, 6, 7, and 10 are patentable over Pearlman. Pearlman describes a method involving creating physical contact between the body part which is to be examined and the measuring plates for example by means of a probe inserted into the flesh (tissue) (Col. 9, lines 44-46 for example). With the present invention this is not permitted and when the objects to be weighed are pigs, insertion of probes is impossible. The method also uses multiple frequencies concurrently in order to create a map of the tissue (Col. 7, lines 5-8, Col. 6, lines 66-67, Col. 21, lines 5-40), whereas the present invention only uses one constant frequency (which is constantly correlated and adjusted).

Furthermore the method measures the electrical impedance of the body part to be examined, i.e. capacitance and conductivity (Col. 6, lines 66-67, for example), whereas the present invention only measures the increase in capacity between the plates when a body enters the field, and correlates this increase with a pre-defined weight scale. The Pearlman apparatus

does not register weight or water mass like the present invention, but rather creates impedance maps of a body part (Col. 26, lines 27-35) and uses differences in impedance within the body part to detect abnormalities (Col. 21, lines 16-18, for example).

Pearlman also does not describe a computer for collecting the numerical numbers from a measuring unit in a data collecting program. In addition, although Pearlman describes an apparatus controlled by a PC and a PC Board, it does not describe a measuring unit replaceably coupled to an internal computer add-on board as in the present invention.

Therefore, Claims 1, 2, 4, 6, 7, and 10 are patentable over Pearlman.

**Claims 1, 6-8, and 11 are patentable under 35 U.S.C. 102(b) over Tanita Corp. (EP 1091215 A2).**

Claims 1, 6-8, and 11 are patentable over Tanita Corp. Tanita Corp. describes a bioelectric impedance measuring device which has a plurality of electrodes (Col. 7, lines 43-44) that are brought into contact with the skin of a person to be measured (Col. 6, lines 55-56) and through which an alternating current is applied to the body of the person (Col. 7, lines 22-24). Tanita Corp. describes several safety measures meant to prevent excessive current from being applied to the human body as a result.

The present invention does not measure impedance. The present invention does not touch or apply an electric current to the person being measured, but rather detects the capacitance between conducting plates when a body enters an electric field. Tanita Corp. also does not disclose the external weight unit or means for recognition of individuals of the present invention.

Therefore Claims 1, 6-8, and 11 are patentable over Tanita Corp.

**Claims 2, 3, 4, and 11 are patentable under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) over Warnke (DE 4,446,345 A1).**

Claims 2, 3, 4, and 11 are patentable over Warnke. Warnke does not anticipate any of the claims because it relies on constantly changing frequency to register liquid flow through an electrical field. The rate of change in correlation with the frequency change is thereafter taken as an indicator for the flow rate. The present invention uses a single frequency electric field and measures the change in capacitance of conducting plates when an individual enters the field. Claims 2, 3, 4, and 11 are all dependent on independent and patentable Claim 1, and are therefore patentable as well.

Warnke does not disclose a dispensing unit and therefore does not anticipate Claim 3. Using a dispensing unit in the present invention would also not be obvious from Warnke. In determining whether something is obvious under 35 U.S.C. 103(a), the method of invention is not considered. Obviousness and simplicity are not equivalent. Rather, one must look to the prior art to see whether that would suggest to a person having ordinary skill in the art an obvious solution for use in the present invention, without using impermissible hindsight or information from the present invention. Doctor's offices are not prior art and the present invention does not require a doctor's office and has many applications including in agriculture. Warnke would not suggest the use of a dispensing unit to dispense food, water, and/or drugs to an individual while being measured or just after being measured using the capacitance between two or more electric conductive plates. Warnke does not discuss dispensing units or suggest reasons for dispensing

units to be included in the present invention. Applicant traverses the examiner's holding of obviousness and taking of official notice without citing to art.

Therefore Claim 3 is patentable over Warnke.

Warnke does not disclose a non-conductive coating on at least one surface of an electric conducting plate. Therefore Warnke does not anticipate Claim 4. The use of a non-conductive coating on the electric conductor is not obvious from Warnke. The conductive plates are insulated from each other by air and it is unlikely that an individual would come into contact with two or more of the plates simultaneously. Therefore the plates pose little or no safety hazard. In order to support a rejection under MPEP § 2144.03 the facts asserted must be "capable of instant and unquestionable demonstration as well-known." It is not unquestionable that conductive plates must be coated with an insulative material. It's also not clear whether official notice is taken of that assertion. If so, applicant traverses the examiner's holding of obviousness and taking of official notice without citing to art.

Warnke itself does not disclose insulative coatings on conductive plates, and so does not make the use of such coatings obvious in the present invention.

Therefore Claim 4 is patentable over Warnke.

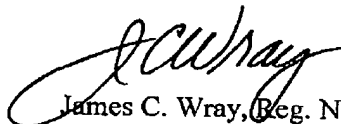
Warnke does not disclose an external weight unit and therefore does not anticipate Claim 11. In addition, such an external weight unit is not obvious from Warnke. Warnke does not speak to external weight units at all. Doctor's offices are not prior art and the present invention does not require a doctor's office and has many applications including in agriculture.

Claim 11 is patentable over Warnke.

**CONCLUSION**

Reconsideration and allowance are respectfully requested.

Respectfully,



James C. Wray, Reg. No. 22,693  
1493 Chain Bridge Road, Suite 300  
McLean, Virginia 22101  
Tel: (703) 442-4800  
Fax: (703) 448-7397

Date: June 13, 2006